August 15, 2002

Mr. Matthew Trask
Siting Project Manager
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

RE: Staff Assessment Comments, Set 1
San Joaquin Valley Energy Center (01-AFC-22)

On behalf of the San Joaquin Valley Energy Center, LLC, please find attached 12 copies and one original of our Staff Assessment Comments, Set 1, in response to the CEC Staff Assessment dated July 18, 2002.

Please call me if you have any questions.

Sincerely,

CH2M HILL

John L. Carrier, J.D.
Principal Project Manager

c: Mike Argentine/WRO
William Harrison/WRO
Tom Lagerquist/Peregrine

Comments on the San Joaquin Valley Energy Center Staff Assessment, Set 1

Listed below, for CEC staff's consideration, are Set 1 of San Joaquin Energy Center LLC.'s comments on the Staff Assessment (SA) for the San Joaquin Valley Energy Center (SJVEC) project (01-AFC-22).

EXECUTIVE SUMMARY

No comments

INTRODUCTION

No comments.

PROJECT DESCRIPTION

No comments

AIR QUALITY

Discussion of LORS

Page 4.1-3. Rule 2010. Correct last sentence as follows:

> By the submission of an ATC application ~~GWF Energy LLC~~ SJVEC LLC is complying with the requirements of the rule.

Project Description and Emissions

Page 4.1-28. Emission Controls. Correct description of CO control as follows:

> Carbon monoxide (CO) would be controlled at the CTG combustor and by an oxidation catalyst, and would be limited to no greater than ~~6~~ 4 ppmvd at 15 percent O_2.

Page 4.1-31. Table 18. Maximum daily CO emissions from the turbines should be calculated based on the worst-case hourly startup emission rate of 902 lb/hr. The maximum daily CO emissions from 3 turbines, no duct firing, with startup, should be 11,032.4 lb/day and total maximum daily CO emissions from the facility should be 12,302.1 lb/day.

Project Impacts

Page 4.1-34. Modeling Approach. The last paragraph of the discussion of the modeling approach indicates that the staff believes there are "apparent problems with how the meteorological data set was processed." The applicant's consultants discussed this issue at length with the CEC's consultants and explained that for missing wind speed data, the following approach was used:

- For a single missing hour, the average of the preceding and following hours was substituted;
- For two or more hours of missing data the missing hours were coded as "calm."

Like all of the met data processing that was performed for this project, the missing data substitution was performed in a manner consistent with EPA guidelines. What is referred to as a zero wind speed is, in fact, a code for calm. One could certainly interpolate for more hours of missing data, but the interpolation becomes more uncertain the longer the period of missing data. The applicant believes that the approach to missing met data that was used in the AFC was appropriate and that additional "corrections" were not necessary.

Pages 4.1-35 through 37. Applicant and Staff Construction Impact Analysis. The applicant submitted a revised construction impact analysis on August 9.

Mitigation

Pages 4.1-44 through 47. Construction Mitigation. The applicant submitted a separate discussion of the staff's recommended construction mitigation measures on August 9.

Operations Mitigation

Page 4.1-49. Emissions Offsets. The District offset liability and applicant proposal quantities shown in Table 29 for PM_{10} suggest that the applicant has not proposed to provide adequate PM_{10} offsets for the project at a 1.5:1 ratio. The small discrepancy between "District offset liability" and "applicant proposal" is attributable to a small difference between the District's and the applicant's calculations of PM_{10} emissions from the project. In fact, the District has determined that the facility controls sufficient PM_{10} and SOx credits to fully offset the PM_{10} emissions associated with the project

Pages 4.1-50 and 4.1-52. NOx and VOC Emissions Offsets. The SA indicates that EPA Region IX staff is disputing the validity of one of the NOx and one of the VOC ERC certificates and therefore the applicant may need to provide offsets from another source. SJVEC LLC is working with the District on this issue and believes that the certificates will ultimately be judged to be valid.

Page 4.1-53. SO_2 Emission Offsets; Adequacy of Proposed Mitigation; Staff Proposed Mitigation. SJVUAPCD rules do not require offsets for the SO_2 emissions from the project because the SO_2 emissions are below the regulatory threshold. However, the CEC staff is recommending that SO_2 emissions from the project be mitigated because SO_2 emissions are a precursor to PM_{10}, which is a nonattainment pollutant at the project site area. The applicant addressed this issue in a letter dated August 2, in which it was pointed out that the ERCs proposed to be surrendered for the project result in a net decrease of 51.6 tons/year of PM_{10} emissions; a net decrease of 118.2 tons/year of NOx emissions; and a net decrease of 24.3 tons/year of VOC emissions. These reductions can be compared with the project's SO_2 emissions of 21.8 tons/year. Since all of these pollutants are precursors of PM_{10}, and since the potential impact of the project's SO_2 emissions on PM_{10} air quality is the only reason presented by staff for seeking mitigation of these emissions, the applicant believes that the staff's mitigation requirements have been satisfied and that the further surrender of additional ERCs should not be required.

Compliance with LORS

Page 4.1-56. Local LORS: Rule 2010—Permits Required. The applicant notes that the FDOC was not issued in May; FDOC issuance is still pending.

Conditions of Certification

Pages 4.1-60 through 4.1-68. Proposed Conditions AQ-C1, AQ-C2, AQ-C3, AQ-C5, AQ-C6 and AQ-C7. As discussed in detail in the August 9 filing regarding construction impacts, the applicant does not believe that these conditions are necessary to ensure that the project complies with LORS during construction and requests that the construction mitigation measures be replaced with conditions that: (1) reference compliance with the SJVUAPCD fugitive dust rules; (2) eliminate AQ-C5 (the gasoline mitigation condition); and (3) include combustion-related mitigation conditions that are consistent with those approved in the Presiding Member's Proposed Decision for the Russell City Energy Center.

Page 4.1-68. Proposed Condition AQ-C10. As discussed in the August 2 letter to Mathew Trask and again above, the applicant believes that sufficient mitigation is already being provided for emissions of PM_{10} precursors and that additional SO_2 mitigation is not necessary or justified for the project.

Page 4.1-71. Condition AQ-6. As noted in the April 26 comments on the PDOC, the applicant requests that the draft condition be revised as follows:

> Commissioning period shall commence when all mechanical, electrical, and control systems are installed and individual system startup has been completed, or when a gas turbine is first fired, whichever occurs first. The commissioning period shall terminate when the plant has completed initial performance testing~~,~~ and is available for commercial operation~~, and has initiated power sales to the power exchange~~.

This change is necessary because there is no longer a power exchange in California.

Page 4.1-73. Condition AQ-18. As noted in the April 26 comments on the PDOC, the applicant requests that the draft condition be revised as follows:

> Selective catalytic reduction (SCR) system and oxidation catalyst shall serve the gas turbine engine. ~~Exhaust ducting shall be equipped with a fresh air inlet and blower to be used to lower the exhaust temperature prior to inlet of the SCR system catalyst.~~ Permittee shall submit SCR and oxidation catalyst design details to the District at least 30 days prior to commencement of construction.

An inlet air blower system is not necessary for a combined cycle project.

Page 4.1-75. Condition AQ-26. As noted in the April 26 comments on the PDOC, the applicant requests that the requirement to install a CEM for NOx before the SCR system be deleted from this condition. Although an upstream NOx monitor will likely be used as part of the SCR control system, requiring such a monitor will subject the applicant to extensive and costly certification requirements that are inappropriate since there are no emission limits being enforced except at the stack.

Page 4.1-76. Condition AQ-35. As noted in the April 26 comments on the PDOC, the annual NOx emission limit in this condition should be 176,600 lb/yr for each gas turbine/HRSG.

Page 4.1-77. Condition AQ-44. This condition would require source testing to measure the emissions of NOx, CO, and VOC from the gas turbines/HRSGs within 60 days after the end of the commissioning period. As noted in the April 26 comments on the PDOC and clarified in

subsequent discussions with the District staff, the applicant requests that this condition be revised to require the source testing to be conducted within 120 days of the end of the commissioning period. Recent experience during commissioning and source testing at Calpine's Sutter and Los Medanos Energy Center projects has shown that emissions of non-organic and organic compounds are elevated after startup of a unit and are not representative of emissions from the gas turbines. The turbines must run for a significant period of time (at least 1000 hours) to effectively burn off constituents such as coatings and oils associated with fabrication, shipping, and storage to allow accurate measurements of emissions. The short timeframe between startup of the units and the required source testing would not allow resolution of problems with process data collection systems and reliability checks, nor does it allow a sufficient operating period for accurate source testing of the units. Extension of the source test period will allow sufficient time for the units to operate in preparation for accurate emissions tests that are representative of actual turbine operation.

Page 4.1-79. Condition AQ-46. As noted in the April 26 comments on the PDOC, the applicant requests that EPA Methods 201 and 202a be included in the permit as allowable test methods for PM_{10}.

Page 4.1-81. Condition AQ-59. As noted in the April 26 comments on the PDOC, the last sentence of this condition should be deleted. . ("Correction factor is used in the equation below . . .") This appears to be a typographical error as no correction factor is shown.

Page 4.1-89. Condition AQ-106. As noted in the April 26 comments on the PDOC, the NOx offset requirements should be revised to 128,760 lb/quarter to reflect the correct quarterly NOx PE from the facility.

BIOLOGICAL RESOURCES

Page 4.2-3. Table 1, Sensitive Species Known to Occur in the Project Vicinity: The status column for sensitive wildlife is blank. Please insert status from AFC Table 8.2-3.

Page 4.2-3. Change "*Phrynosoma coronatumfrontale* " to "*Gambelia gila*."

Page 4.2-4. para. 2: In the first sentence, beginning "The proposed natural gas line crosses Fresno Slough…," change "near" to "10.5 miles north of."

Page 4.2-4, para. 4, sentence 2: States that staff observed potentially suitable Swainson's hawk nesting trees within ½ mile of the proposed project. Please note that there are no known Swainson's hawk nest records in the CNDDB for that area, and no Swainson's hawk nesting was observed during the field visits.

Page 4.2-5. Transmission Lines: In last sentence, change "(cotton production)" to "(corn production)."

Page. 4.2-6. Power Plant Access Road. In first sentence, change "800 feet-long" to "800-foot-long."

Page 4.2-11, para. 1. Air Quality Impacts to Biological Resources. At the end of the 1st paragraph, the year of the reference should be changed to Weiss, 1999.

Page 4.2-12, para. 2, sentence. 2. Delete the word "due".

Page 4.2-13, sentence. 2, Conflicts With Local LORS. Delete the word "do" .

Page 4.2-16, BIO-2. Revise item number 4 to read: "Prior to project site perimeter fencing installation, inspect active construction areas where animals may have become trapped. Inspect for the installation of structures that prevent entrapment or allow escape during periods of construction inactivity. Inspect areas with high vehicle activity (parking lots) for animals in harms way;"

(Statements dictating inspection times are not necessary. The Project Biological Resource Specialist must specify in the BRMIMP (with CEC approval) when and where biological resource monitoring activities will be required.)

Page 4.2-17, BIO-4. The Applicant would like to request that the WEAP training be provided by video (as allowed in CUL-3) rather than in-person. The video training could be provided by the designated biologist, or another person approved by the CEC. This would be particularly helpful due to the location of the project and lack of significant biological resources in the vicinity.

Page 4.2-19, BIO-5, Item k. Please clarify whether aerial photographs must be provided for all areas to be disturbed (including linears), or just the areas of higher impact, such as the plant site.

Page 4.2-21, BIO-9. In first sentence, change "minimizes" to "minimize."

CULTURAL RESOURCES

Page 4.3-4, Impacts to Historical Resources, para. 1. Delete last sentence. A list of contacted local historical and archaeological societies was provided to the Energy Commission in the Application for Certification. Section 8.3.2.5.3 of the AFC describes the local historical and archaeological societies contacted for the project. A record of the personal communications with these contacts is attached to these comments as Attachment CR-1. Additional research conducted as part of the architectural field surveys and analysis (by Tremaine and Associates) is documented in the Historic Building Evaluations report. This report was provided to the CEC on March 12, 2002 as Attachment CR-37 to Data Response Set 1B.

Page 4.3-7, Impacts to Archaeological Resources, para. 1. Delete last sentence. A list of contacted local historical and archaeological societies was provided to the Energy Commission in the Application for Certification. Section 8.3.2.5.3 of the AFC describes the local historical and archaeological societies contacted for the project. A record of the personal communications with these contacts is attached to these comments as Attachment CR-1. Additional research conducted as part of the architectural field surveys and analysis (by Tremaine and Associates) is documented in the Historic Building Evaluations report. This report was provided to the CEC on March 12, 2002 as Attachment CR-37 to Data Response Set 1B.

Pages 4.3-9 to 4.3-16, Proposed Conditions of Certification. The word "Verification" has been dropped prior to the verification paragraph(s).

Page 4.3-14, CUL-6: Delete last sentence contained in paragraph 2: "The CRS may informally discuss cultural resource monitoring and mitigation activities with Energy Commission technical staff." This statement is unnecessary and has negative implications. The project owner is ultimately responsible to ensure compliance with these conditions of certifications; therefore, the project owner must be included in any communication with CEC technical staff and project

owner representatives however trivial or informal regarding issues related to the Project. The statement has the potential to undermine the professional relationships between project owner, his representatives and CEC Staff.

Page 4.3-14, CUL-6: Revise sentence contained in no. (3) second paragraph to read: "Cultural resource monitoring activities are the responsibility of the CRS." to read: "Project owner shall ensure cultural resource monitoring activities are completed as directed by CRS."

Page 4.3-15. CUL-7. Since the ground surface along the gas pipeline route will be returned to its original contours, this measure will not be necessary.

HAZARDOUS MATERIALS MANAGEMENT

Page 4.4-18, HAZ-3. The first sentence should read "…develop and implement a Safety Management Plan for delivery of aqueous ammonia *and submit the plan* to the CPM for approval." ." Delete: "measures for avoidance of areas that could be affected by a turbine over-speed accident," This has not been seen on other projects and we know of no such historical cases or concerns to justify such measures. If passengers are allowed to sit directly in the fly-away blade path of jet airplane engines (where there is no steel protection), why are we concerned with blades penetrating thick steel casings of land turbines?

Page 4.4-18 HAZ-4: Delete: " of holding 150 percent" and replace with of holding 110 percent. Other projects are only required to contain the full volume with no additional margin, SJVEC is already being generous with 10% in addition to the rain water storage.

Page 4.4-18, HAZ 6, Verification. The last sentence should read "The full and complete plan shall be *prepared* and submitted to the CPM." rather than "amended, as appropriate, and submitted..."

Page 4.4-19, HAZ-10. Delete: "could be affected by a turbine over-speed event and. Please clarify whether the CEC's prohibition on storage of flammable or combustible materials within 100 feet of the hydrogen cylinders includes underground tanks and piping or just aboveground storage only.

LAND USE

All pages: Change page numbers from "5.4-#" to "4.5-#"

Page 5.4-17, LAND-1. Please provide an explanation of the significant impact the mitigation measure LAND-1 is designed to reduce to a level of less than significant.

Pages. 4.5-13 and 4.5-14. Conversion of Farmland. Applicant agrees to accept the proposed mitigation measures suggested by Staff in conditions LAND-2 to avoid the need to litigate this issue.

However, Applicant disagrees with the Staff's analysis related to the issue of the potential conversion of prime farm land. First, Applicant disagrees that the conversion of 25 acres is significant under CEQA. As the SA notes, three are one million two hundred twenty thousand (1,220,000) acres of cultivated cropland in Fresno County, of which 291,500 acres in cotton production, and total croplands of 645,000 acres classified as "Important Farmlands." Applicant respectfully submits that the use of 25 acres of former cotton fields is not a significant impact

under CEQA. Further, applicant disagrees with the Staff's conclusion that "mitigation is now available" for an impact recognized to be less than significant by Fresno County, the City of San Joaquin, and the local LAFCO. (SA, Page 1-5.) The local agencies that approved the land use designations could have required the type of mitigation proposed by Staff; that is, the local land use agencies could have, in their discretion, included a condition requiring the mitigation proposed by Staff. They did not do so, and the Staff should defer to these local land use entities on matters of local land use policy.

Page 4.5-17. LAND-1, Line 3. Insert "if" after the word adjustments.

Page 4.5-17. LAND-2. Insert conversion of "an estimated 25 acres."

NOISE AND VIBRATION

General Comment: While the proposed Conditions of Certification are very specific and result in important and substantial consequences affecting the cost and schedule for development of the SJVEC the "foundation" purporting to support the staff's conclusions are not necessarily relevant, rigorously documented or logically evolved in the SA.

Page 4.6-2. Model Community Noise Ordinance—This document is obsolete and generally unavailable. It should not be used in favor of current and relevant LORS such as those employed by the City of San Joaquin and Fresno County. If CEC staff continues to rely upon such documents to establish noise standards, please provide accessible references for the California Model Community Noise Control Ordinance and for the noise guidelines of the World Health Organization.

We respectfully disagree with staff on the last paragraph. [We assume Item "c" means "3"] "Background" is defined by L90 but "background" is not "ambient" as defined by State Office of Noise Control (no longer extant) in the Noise Element Guidelines (included as reference material in SA). The first sentence of the paragraph also misrepresents the actual ad hoc L90 descriptor that staff uses. How did the CEC staff determine that noise increases of between 5 and 10 dBA above background could be potentially significant and increases above 10 dBA are significant?

Page 4.6-4: Under the heading "Ambient Noise Levels", please provide a simple, clear and proper definition of ambient noise. Please also define background noise and the several different methods used to calculate background noise. When defining L90, it should be clearly stated that Staff has used the 4 quietest hours and the applicant has used the 9 nighttime hours from 10 pm to 7 am, and that these two differerent methods will provide different results.

Page 4.6-6 Table 3. Use of an "arithmetic mean" is appropriate for centile values but is not a professionally acceptable methodology for averaging energy quantities where the math should be done in the energy domain. Merely deleting the column as was suggested by staff during the Workshop is not an appropriate response either. Please insert correct energy domain values into the table.

Page 4.6-9. Table 4. Information in Table 4 appears to be based on the analysis represented in Table 3. What is the scientific basis for the 4 hour calculation? What would be the effect of using all of the 10 Pagem. to 7 a.m. time period to represent nighttime hours per existing definitions of nighttime?

Page 4-6-9. What is the basis for ignoring the fact that the "county staff has concluded that their noise ordinance does not apply to noise sources originating in a city that impacts county residents"?

Page 4.6-9. Noise Table 4 should show the descriptor, (i.e., Noise Level, dBA L90) and should provide applicant's estimates of plant noise expressed in L90 also.

In last paragraph staff states that "(since plant noise is steady state, theL50 statistical metric is the same as the L90)" without providing references or any documentation that this is true. Applicant's field studies provide evidence that the power plant noise levels are not equivalent for the two metrics..

Importantly, we agree with "staff's opinion" that 45 dBA "is a reasonable and very common local noise compatibility criterion." Furthermore, this reference is almost certainly referencing 45 dBA L50 because of the preceding discussion of the Fresno County regulation. The metric typically attached to "45 dBA" is usually either Leq or L50 for noise ordinances, or Ldn/CNEL for interior noise guidelines found in noise/land use compatibility planning documents (i.e., Noise Elements). The last sentence, if factual, is not unreasonable. However, the project would meet local noise compatibility criteria for the most sensitive land use types.

Page 4.6-10. Paragraph 1. What is the basis for ignoring the City Attorney's interpretation of the City Noise Ordinance in light of City of San Joaquin Resolution 02-07, which ratifies this interpretation? What is the basis for using an ordinance that the City of San Joaquin designed to abate nuisances as a land use planning tool?

Page 4.6-10. The Staff Assessment states, "In a quiet rural environment, this is not necessarily the most reliable measure." What criteria does staff use to determine "a quiet rural environment?" Which CEC siting cases used these criteria?

Page 4.6-10. The Staff Assessment states, "Energy Commission staff has followed state regulatory agency practice" in selecting the 5 dBA threshold for audible noise. Other than the energy Commission, which state agencies use this threshold of audibility? What regulations, if any, have these agencies promulgated related to the 5 dBA threshold of audibility?

Page 4.6-10. The Staff assessment States, "This "background noise level" is commonly described by the L90 value, which is the noise level exceeded 90 percent of the time." . Other than the energy Commission, which state agencies use this definition of "background"? What regulations, if any, have these agencies promulgated related a definition of "background"?

Page 4.6-10. The Staff Assessment states, "In noisy urban/industrial environments, staff has traditionally utilized the lowest hourly L90 value as a basis for determining the threshold of noise impacts." What criteria does staff use to determine "noisy urban/industrial environments?" Which CEC siting cases used these criteria?

Page 4.6-10. The Staff Assessment states, "Under certain circumstances, it is common in the noise industry to average noise descriptors over some relevant period of time." What are these "certain circumstances?" Who specifically is Staff referring to as "the noise industry?" Which CEC siting cases used these criteria?

Page 4.6-10. Increases of 5 dBA, considered "noticeable" but "not necessarily annoying" however is "adverse" but "either significant or insignificant". Please clarify this discussion to provide a clear logical path to the establishment of significance criteria. The statement concerning "percent of people highly annoyed" is taken out of context from undocumented references. The percentage of highly annoyed people should also be stated in context relative to absolute sound levels and characteristics of the noise source. Please provide documentation for the discussion contained in the second paragraph of Page. 4.6-10.

Page 4.6-10, para 3. If the discussion contained in this paragraph is to form the basis for using exceedance of the L90 for the quietest 3, 4, or 5 hours as the determinant of a significant impact, please provide evidence of its relevance in terms of a substantial adverse effect on the environment. There is no documentation to support whether or not this "factor" has any influence on the annoyance value of power plant noise versus any other common ambient environmental noise? The SA provides no evidence that would lead to the conclusion that if power plant noise constitutes the background noise it merits the use of an arbitrarily low threshold of significance.

Page 4.6-10, para 4. Noise levels are commonly averaged, but "noise descriptors" are not.

Page 4.6-10, para 5. Staff states that "Nighttime ambient noise levels in rural areas are typically lower than the daytime levels…" No evidence is provided to support this assertion. Furthermore, CEC projects such as the Tracy Peaker Project and Roseville Energy Facility tend to contradict this assertion.

Page 4.6-10, para 5, last sentence. No evidence is provided to support staff's opinion that it is "prudent" to employ the *lowest background* noise level values as the relevant noise regime. This assertion is not consistent with the methodology typically employed in CEQA documents statewide.

Page 4.6-11. Paragraph 1. Why wasn't a longer period used to determine the background noise level?

Page 4.6-11, para 2. Please provide documentation of the assertion regarding lower noise levels during winter months versus summer months. Is this generalization true? If true, is the difference in noise level statistically significant or even perceptible?

Page 4.6-11, para 3. Staff uses the combined term "…ambient background noise…" in the third paragraph. These terms are separately defined by most acoustical professionals and by the more rigorous acoustical textbooks. One is represented by the Leq and the other by the L90. Other than for a theoretically perfect sound having no amplitude variability with time, the numeric value of these two descriptors when applied to the same environmental sound for a reasonable period will differ by some amount that could range from one to several decibels.

Page 4.6-12. In the first paragraph staff allows that "…a noise level of 40 dBA [no descriptor stated] would be considered quiet in many locations;…" We believe that 40 dBA SPL or Leq would be considered very quiet in *almost all* locations.

Page 4.6-12. The California Model Community Noise Control Ordinance has no bearing on this case, since it "provides guidance for acceptable noise levels in the absence of local noise standards" (Staff Assessment, Page 4.6-2). Furthermore, the document is obsolete as noted

above. The City of San Joaquin General Plan very clearly establishes noise level standards for the various land use types within the city, and should therefore be used as the governing LORS document. The applicant further believes that the direction provided by the State of California as contained in the Guidelines for the Preparation and Content of Noise Elements of the General Plan (CCR 65302(f)) are much more relevant to this case than the unreferenced World Health Organization (WHO) guidelines mentioned in the SA. Additionally, if 40 dBA is already considered "quiet" by staff then why are criteria levels below 40 dBA applied in the proposed Conditions of Certification? Further, the application of a "40 dBA or less" criterion is not consistent with the staff's earlier statement that 45 dBA was a "reasonable" criterion page 4.6-9.

Page 4.6-13, para 2. What is meant by "the situation"?

Page 4.6-14. No significant adverse physical effect on people or the environment has been demonstrated by a mere increase in noise to levels that still meet LORS. No adverse effects (e.g., sleep disturbance, annoyance) to receptors have been noted

Page 4.6-17, Noise-6. The applicant respectfully disagrees with the noise level criteria for all sites except for G2. The noise levels proposed by staff are not consistent with LORS, and no basis for determining a significant adverse environmental effect has been established to warrant deviating from the LORS standards. Delete this condition as unnecessary, since the project meets all LORS without it, and no significant adverse impact to the environment has been demonstrated.

Page 4.6-22. Appendix A, Table 2. Please complete the table, setting forth at the 40 dBA level (1) Comparable Environmental Noise" and (2) "Subjectivity/Impression."

General Comment: Applicant is under the impression that the Staff disfavors the use of mitigation at the receptors; i.e., the installation of dual paned windows, new HVAC equipment, and the like to provide further noise attenuation. Please clarify Staff's position regarding the use of noise attenuation at residential receptors of concern to Staff.

PUBLIC HEALTH

Page 4.7-4. Cancer Risk. Why is the SCAQMD referenced?

SOCIOECONOMIC RESOURCES

Page 4.8-1, Executive Order 12898. Please provide documentation that this Executive Order applies to state agencies receiving federal funds.

Page 4.8-4. Paragraph 2. Existing Calpine employees will have first priority for the operating jobs at the power plant.

Page 4.8-5, Electricity, sentence. 1. Change "one half mile" to "one-quarter mile."

Page 4.8-8, Heading a, Employment and Economy. Following "Employment and Economy," please change "No Impact" to "Benefit." The project's benefits should be identified as well as its potential impacts, or lack thereof.

Page 4.8-9. Paragraph 2. Hiring preference can be given only to the extent possible, since existing Calpine employees will have first preference for the operating jobs.

Page 4.8-12. Paragraph 3. The informational meeting to describe the Calpine procurement process was held on April 11, 2002.

Page 4.8-14, Heading e, Fiscal. Following "Fiscal" please change "No Impact" to "Benefit." The project's benefits should be identified as well as its potential impacts, or lack thereof. The project's fiscal benefits are clearly noted at the top of page 4.8-15.

Page 4.8-21. No significant impact to employment and economy was identified in the analysis on page. 4.8-8, therefore SOCIO-2 is unwarranted. The proposed verification is burdensome and interferes with the applicant's ability to construct the facility in a timely and cost-effective manner consistent with all LORS.

SOIL AND WATER RESOURCES

Page 4.9-3, State Water Resources Control Board Policies, Third sentence should read: "This policy states that, *in considering water rights appropriations for power plant cooling*, use of fresh inland waters..."

Page 4.9-3, State Water Resources Control Board Policies: Fourth sentence should read: "This SWRCB policy requires that, *in water rights appropriations*, power plant cooling water should come from…"

Page 4.9-5, Soils, para. 1: First sentence should be reworded for clarity. For example, "…was previously used for irrigated agriculture for the production of cotton, *and contains* power lines and a small irrigation canal."

Page 4.9-5, Soils, para. 1: Third sentence should read: "….the remaining 55-acre portion of the parcel would be revegetated following construction *and returned to agricultural use*."

Page 4.9-5, Soils, para. 2: In the second sentence, change "comprise the" to "occur along."

Page 4.9-5, Soils, para. 2: In the third sentence, delete the words "comprised of."

Page 4.9-5, Soils, Table 1: The water erosion hazard identified in Table 1 does not match the first sentence of the last paragraph. The table indicates the hazard is "none," while the sentence states it is "very low."

Page 4.9-5, last paragraph. Second sentence should read: "… for control of soil erosion during construction and operation." Delete the words "slight to none."

Page 4.9-5, last paragraph. Fourth sentence should read: "…revegetation should be successful *as long as* adequate irrigation is provided…"

Page 4.9-6, Soil and Water Contamination: It is not clear how soil contamination at these three sites relates to the proposed SJVEC site. No migration pathway has been identified.

Page 4.9-6, Soil and Water Contamination, para. 2: Should the first sentence read: "…releases of petroleum hydrocarbon compounds *such* as gasoline and benzene..?"

Page 4.9-7, para. 3, last sentence: A reference should be cited for the statement that pesticides and fertilizers have leached into the shallow aquifers via irrigation.

Page 4.9-8, The city of Fresno is supplying the make-up water to the cooling water system, not supplying the cooling water.

Page 4.9-9, Water Uses: CTG does not use water for NOx suppression injection, rather only steam injection for power augmentation.

Page 4.9-11, Table 3, Recycled Water Quality from Fresno-Clovis WWTF: This table should be replaced with Table 7.1-1 from the AFC. AFC Table 7.1-1 provides more detailed information.

Page 4.9-13, Storm Water, para. 3: Delete the word "primarily" from the first sentence.

Page 4.9-14, Environmental Checklist. Item "a)" indicates that water quality standards or waste discharge requirements would be violated without the use of mitigation. However, the Discussion of Impacts section (page 4.9-15) does not identify such a violation. It states that the reclaimed water will meet CCR Title 22 requirements for the use of reclaimed water. In addition the Staff Assessment contains no proposed COCs for mitigating a violation of the water quality standards (i.e., treatment). It only includes requirements for monitoring water quality.

Page. 4.9-18, para. 4, s. 2: The second sentence states that there will be no off-site discharge of storm water during plant operations and concludes that a General NPDES Storm Water Permit for Industrial Activity is not required. The third sentence states that a Storm Water Pollution Prevention Plan for Industrial Activity will be required. If there is no permit required and no off-site discharge, then why is a SWPPP needed?

Page 4.9-19, Item g): This portion of the Staff Assessment does not include the results of the Phase II Environmental Site Assessment performed at the site and discussed in the Waste Management section of the SA. It refers only to data from county records and the results of the Phase I Site Assessment. Also, it is not consistent with Page 4.9-6 that lists three sites.

Page 4.9-19, Item g), s. 3: Third sentence should read: "This initial conclusion is reached based on the proximity of the SJVEC to the *three* sites *(0.75 miles away*) *and on the lack of surface migration pathways and the depth to ground water, which was not impacted at these sites*." The fourth sentence should then be deleted.

Page 4.9-21, CVRWQCB-3, Response: Sentence should be amended to read: "…and to avoid disturbance *to jurisdictional wetlands* entirely."

Page 4.9-22 to 24, Proposed Conditions of Certification: In several of the COCs, the "Verification" heading needs to be inserted prior to the paragraph containing the verification method identified by the CEC.

Page 4.9-23, Soil & Water-3, Verification. This COC requires that a copy of a SWPPP for Industrial Activity and a Notice of Intent for operating under the General NPDES Permit for Discharges of Storm Water Associated with Industrial Activity, filed with the SWRCB, be provided to the CPM. However, SJVEC will not discharge storm water offsite during operations and the facility is, therefore, not required by the SWRCB to file a Notice of Intent or prepare a SWPPP for Industrial Activity. This condition contradicts a statement made on page 4.9-18 of the Staff Assessment (3rd paragraph) that a storm water permit is not required for SJVEC during operation.

TRAFFIC AND TRANSPORTATION

Page 4.10-16, TRANS-3. Revise condition to read: "The project owner shall ensure transporters of hazardous material to project site have proper California Department of Transportation license.

Verification: The project owner shall include in its Monthly Compliance Reports, the transporter's name and Department of Transportation (DOT) hazardous material transporter license number." (Neither the California Highway Patrol nor Caltrans are involved with the licensing of hazardous material transporters.)

Page 4.10-17, Trans 7. Since all local roadways are operating at Level of Service A, and since no significant impact to traffic congestion t was identified, this mitigation measure is unnecessary and should be deleted.

VISUAL RESOURCES

Page 4.12-9 Professional Standards. This discussion cites the 1986 book *Foundations for Visual Project Analysis* edited by Richard Smardon, James Palmer, and John Felleman as the source for questions professionals in visual impact assessment have developed as a means of evaluating the potential significance of visual impacts. Because this book consists of a series of chapters on a diverse range of subjects and analysis approaches that were prepared by 22 different contributors, it would be helpful if Staff could indicate for each of the professional standards listed, where in this volume we can find the places where the standard is formulated and its role in the determination of significance discussed.

The discussion of professional standards states that "Staff considers these questions in assessing whether a project would cause a significant impact in regard to any of the four CEQA criteria listed above." The relationship of these questions to each of the aesthetics questions posed in the CEQA guidelines is not self-evident in every case. It would be helpful if staff could explain in explicit terms how each of the questions listed in the professional standards discussion has been applied in developing responses to each of the aesthetics questions the CEQA guidelines require to be answered.

Page 4.12-10. Impact Duration. In this section, it is stated that "Short-term impacts generally last no longer than five years. Long-term impacts are impacts with a duration greater than five years." Please provide references to CEQA; to professional, agency, and academic sources; to internal CEC research and policy papers; and to formal Commission rulings on this subject that provide a basis for the establishment of these time thresholds.

Page 4.12-10 Elements of the Visual Setting: Visual Quality. This discussion indicates that an approach was used that considers visual quality as ranging from outstanding to low. Please list each of the visual quality rating classes that were established for conducting this analysis and the characteristics of the landscapes that they would apply to.

Page 4.12-13: Mitigation Measures under C and VIS-1: The following sentence and sentence from COC VIS-1 should be deleted: *The laydown area would be set back 200 feet from Colorado Avenue.* The laydown area is to be in the northwest corner of the site, in the vicinity of the railroad spur along Colorado Avenue. It is not reasonable to have a 200 foot setback as this

will separate the railroad spur unloading area from the laydown area. This would require relocating the laydown area a distance significantly greater than 200 feet from the railroad spur which will increase transportation time back and forth (increased labor & materials), as well as increase in emissions from transporters.

Pages 4.12-15, 4.12-16, 4.12-17, and 4.12-19. The discussions of mitigation measures related to effects on KOPs 1, 2, and 3 all contain language suggesting that "Plan details have not yet been submitted." This assertion is difficult to understand in that AFC Figure 8.11-7 presented a conceptual landscape plan that indicted the tree species that would be used, tree sizes, and tree locations. To respond to visual resources concerns expressed by CEC staff, after the submission of the AFC, the Applicant, in consultation with the City of San Joaquin, made a number of revisions to this conceptual landscape plan. This revised plan was submitted to the CEC in the Spring of 2002, along with information on the tree species specified. The landscape plan was presented on an air photo base to facilitate development of an understanding of the role that the landscaping would play in screening views toward the project. Please let us know whether we need to provide duplicate copies of this material to Staff so that the information can be taken into account in the SA addendum.

The discussions of mitigation measures related to effects on KOPs 1, 2, and 3 and on "other Observation Points" imply a need to mitigate the project's effects on views within five years of the start of project operation. We request that these discussions be revised to eliminate all references to a five year threshold.

Page 4.12-15. The Staff Assessment states, "Staff recommends condition VIS-2 requiring the proposed landscaping plan to include information on the size, species, number of plantings and location that demonstrates sufficient mitigation by five years after start of operation." First, it is unclear what staff means by sufficient mitigation by five years after start of operations." Second, Applicant believes that Staff may be seeking specificity that can and should be developed post-certification, in consultation with the Staff and the City of San Joaquin.

Page 4.12-24 Staff is in the process of remodelling the plume analysis using a different sky contrast factor which should **not** significantly alter the present conclusion that the frequency of plumes is well below their 10% threshold limit.

Page 4.12-27, Table 5, City of San Joaquin Goal No. 6**.** Please provide the details of Staff's analysis that supports the conclusion that the proposed project landscape plan would not comply with this policy.

Page 4.12-32 Condition of Certification VIS-2**.** We request the phrase "within five years after start of operation" be replaced with the phrase "as quickly as feasible".

We request that the last paragraph of this Condition be revised to read: "The fifth Annual Compliance Report shall evaluate the effectiveness of the project landscaping in screening the project and integrating it into its setting. If this analysis determines that the landscaping that has been installed is not developing in a way that will provide adequate screening of the facility within the coming years, the Project Owner shall develop a plan for supplemental landscaping that will address any inadequacies of the landscaping that is in place. This plan will be presented to the City for review, and to the Commission with City Comments for review and approval. Upon approval, the Owner will implement the plan within 90 days."

Page 4.12-33 VIS-3: Replace: "*Prior to first turbine roll, the project owner shall treat the surfaces of all project structures"* with "Prior to construction the project owner shall submit the type of materials, painting scheme and/or type of surface coating being applied to project structures". Only Calpine standard materials and surface coatings will be utilized or applied. Standard specifications will be issued to the A/E at the scope book meeting and later to the CPM.

a) Additional 11x17 color simulations should **NOT** be supplied as the AFC KOP's should be sufficient in combination with the city visual/landscaping plan. The requirement is vague with the possibility of a great deal of work at very little additional value but a great additional cost.

c), d), e) & f) These should all be deleted as unnecessary and unreasonable. e.g. Two sets of brochures and/or color chips for each proposed color should **NOT** be supplied for the same reasons as above in a). Basically, there will be no special treatments and no special non-glare coatings applied, all standard materials and surface coatings per standard Calpine specifications.

Verification: please revise wording accordingly.

Page 4.12-25. Applicant is unaware of any regulation setting forth a "significant threshold of 10 percent."

WASTE MANAGEMENT

Page 4.13-1, 3rd paragraph include word "…approximately 25 and 100 percent of nominal generating capacity to respond…". It is not common practice nor exactly correct to say the plant runs 25 to 100% base load for multi-engine CCPP's with duct firing.

Page 4.13-6, Staff proposes COC but according to conditions which we fulfill the brine concentrate does not require testing. Also, this is an internal process and COC WASTE-8 is not acceptable and should be deleted. This COC came up on another recent Calpine project where we were objecting also.

Page 4.13-13, WASTE-6: requires Hazardous Waste Operations training for all workers involved in site preparation. Workers that are not involved in soil moving activities and are not exposed to dust from soil moving activities should not need the full 40-hour training. The requirements of 8 CCR 5192 allow workers involved in activities with minimal exposure to contaminants, such as land surveying, to take a 24-hour training course. The Condition of Certification should clarify that the level of training required is determined by the type of work that the worker will perform. The second sentence should read "Training shall include, *as appropriate for the work to be performed*, Hazardous Waste Operations (8 CCR 5192), Hazard Communication (8 CCR 5194), *and/or* special precautions to take when working in environments where exposure to inorganic arsenic is encountered as described in 8 CCR 5214 with the exceptions of subsection (n)."

Page 4.13-13, WASTE-6: Fourth sentence requires additional dust suppression methods to be identified in a dust suppression plan that must be submitted to DTSC and the CPM. COC AQ-C3 requires preparation and submittal of a Fugitive Dust Mitigation Plan. In addition, AQ-C3 lists specific dust mitigation measures to be implemented during construction, including application of chemical dust suppressants, stabilization of disturbed areas, and frequent watering of unpaved roads, among others Furthermore, COC SOIL & WATER-1 requires the preparation and submittal of an erosion control plan and SOIL & WATER-2 requires the project owner to prepare a Storm Water Pollution Prevention Plan for Construction Activity. These plans also

address the minimization of dust for the purpose of preventing sedimentation of local surface waters. Compliance with the FDMP, Erosion Control Plan, and SWPPP should be adequate to limit on-site and off-site exposure to dust containing hazardous levels of metals. An additional Dust Suppression Plan is redundant and should be deleted from this condition.

Page 4.13-13, WASTE-6, last sentence requires that all areas of the site be capped with buildings, asphalt, or concrete after site preparation. Does this requirement refer to the entire site, or only a portion of it (e.g., the developed areas)? Typically, not all areas of a power plant are covered with impervious materials. Some areas are graveled and some landscaped. The non-developed portion of the 85-acre site is planned for agricultural uses. This COC should be clarified regarding the specific areas to be capped.

Page 4.13-13, WASTE-6: In addition, the option for additional soil testing to demonstrate the lack of hazardous contaminants (as described in the last paragraph of page 4.13-4) should be included.

Page 4.13-13, WASTE-8 Brine Concentrator (BC) effluent is an intermediate internal process position, not an end condition (i.e., this effluent does not leave site and is not stored onsite). Therefore, no testing is necessary at this point. From the BC, the effluent goes to the dryer before leaving site and this is where it shall be tested.

Page 4.13-3. First paragraph. The parcel of land is “85” not “65” acres.

Page 4.13-12. WASTE-3. Does the waste plan cover all wastes regardless of quantity generated?

WORKER SAFETY AND FIRE PROTECTION

No comments

FACILITY DESIGN

Page 5.1-3. If Calpine owns and operates the gas pipeline it would not be under the jurisdiction of the CPUC. Calpine is not a utility. If PG&E were to operate the line then CPUC has jurisdiction (in addition to DOT

Page 5.1-7, Table 1 5th line item: Change “CT inlet air evaporative cooler” to “CT inlet cooling system”.

Page 5.1-7, Table 1 9th line item: Delete “and Forced Draft Structure”. None exists for these projects.

Page 5.1-7, Table 1 13th line item: Delete “Facade”. There is none.

Page 5.1-8, Table 1 18th line item: Revise Tank – Raw Water, “5 million” to two 1.5 million gallon,

Page 5.1-8, Table 1 21st line item: Revise Tank – Demineralized Water, “500,000” to two 250,000 gallon,

Page 5.1-9, Table 1 5th from last line item: Delete Waste Water Evaporation Ponds. There are none.

GEN-8: Condition does not conform to accepted CBO approval/inspection process.

GEOLOGY AND PALEONTOLOGY

General Comments:

Several times in the COCs the word "*recovered*" is used in reference to paleontological resources. This word can be interpreted by construction workers to mean covered back up after having been uncovered. For clarity, the Applicant suggests that the word "*recovered*" in the COCs needs to be replaced with either "*salvaged*" or "*collected*".

The text and COCs incorrectly and repeatedly use the name "*Society of Vertebrate Paleontologists*" for the Society of Vertebrate Paleontology.

Specific Comments:

Page 5.2-10, PAL-1. Describes the "minimum qualifications" required of the Paleontological Resource Specialist (PRS). The Applicant would like to request that the requirement of "publications in scientific journals" not be required. Some paleontologists now doing mitigation paleontology have not published in scientific journals and, therefore, may not qualify as a CEC-approved PRS. This requirement unnecessarily restricts the availability of potential PRS candidates without providing a significant benefit in qualifications.

Page 5.2-11, PAL-2, para 3. The requirement that the PRS consult weekly with the project superintendent or construction field manager should be revised to provide some flexibility and allow either the PRS *or his/her designee* to consult with the project superintendent.

Page 5.2-11 through 13: The Verification sections of PAL-2, PAL-3, and PAL-4 contain statements with absolute dates, such as "at least 30 days prior to ground disturbance . . .", etc. To increase flexibility, the CEC has been willing in the past to add phrases such as "*or a lesser number of days acceptable to the CPM*".

Page 5.2-12, PAL-3, items 4 and 5: There is no way to accurately predict in advance of excavations exactly what geological materials will be found in the subsurface. Predicting in advance of construction what sampling is expected to take place will be difficult, if not impossible. How is this to be done? Should the applicant provide a general estimate the of the number of samples to be collected for microfossil analysis, radiometric dating, paleomagnetic analyses, etc. in the PRMMP and then provide a comparison of the PRMMP to what actually occurred in the PRR (PAL-7). Similarly, in item 5) the motoring schedule for the entire project may not be available, or be very accurate, 30 days prior to beginning any ground disturbing activities. These schedules are updated continuously during project construction. How are these changes to be reconciled with the PRMMP? (See also comments on PAL 5, item 1, below). The Applicant suggests that these items are unworkable and that they should be dropped.

Page 5.2-12 and 13, PAL-4, paras. 1 & 2: The second sentence of paragraph 1 states that workers may not operate equipment prior to receiving training. This contradicts a statement in the second paragraph, which says that training shall occur within 4 days following a new hire for highly sensitive sites. This statement implies that the worker can begin to operate equipment prior to receiving training, provided that the training is received within the first 4 days of employment. This approach is preferred by the Applicant.

Page 5.2-12, PAL-4, para. 2: The last sentence in this paragraph requires that the WEAP training be provided to workers not fluent in English. Although this is a commendable goal, it is not required by either the Biological or Cultural training. Also, implementation of this COC would, in effect, result in removal of all non-fluent English speakers, since it would be too costly to translate the WEAP into every language, or hire interpreters for each training session. The fluency of the workers is not known until they arrive at the job site for training. In the San Joaquin area possible languages could include Spanish and Punjab. The Applicant requests that this requirement be dropped.

Page 5.2-13, PAL-4, Verification: Item 2 of the Verification indicates that the project owner is allowed to use a video for interim training. (The term "interim training" has not been defined.) The second paragraph of PAL-4 states that *in-person* training must be provided for new employees involved in ground disturbing activities in highly sensitive geologic units. As mentioned in the prior comment, it also states that in-person training must be provided within 4 days of the hire date for workers at highly sensitive sites, and that training can be provided on a schedule established by the PRMMP for sites of moderate, low, and zero sensitivity.

In-person training is not specified by the COCs for cultural or biological resources, only for paleontological resources. Therefore, the Applicant would like to use video training (rather than in-person training) as allowed by CUL-3 and implied in PAL-4. This approach would allow the WEAP training to be consistent for Biological Resources, Cultural Resources and Paleontological Resources.

Page 5.2-14, PAL-5: The last sentence in PAL-5 states specifically that "the PRS shall notify and seek the concurrence of the CPM." In previous editions of the COCs this requirement read "the PRS shall notify the project owner." Since in most other COCs, communication from the PRS is through the project owner and not directly to the CPM, the Applicant requests that this section be modified to "the PRS shall notify *the project owner, who will* seek the concurrence of the CPM."

Page 5.2-14, PAL-5, Item 1: Construction schedules are fluid and subject to constant change. Requiring that ***any change*** in the monitoring schedule that differs from the schedule set forth in the PRMMP (which was submitted at least 30 days prior to the start of construction) require a letter requesting approval of the change from the CPM creates an unworkable situation that is bound to lengthen the construction process. Why would the CPM need to approve every change in the construction schedule? The critical factor is that the PRS be kept abreast of such changes and that a PRM is present during construction. The Applicant suggests that this is unworkable and should be dropped.

Page 5.2-14, PAL-5, Item 2: Contains two unrelated issues. The second sentence reading "The PRS may informally discuss paleontological resource monitoring and mitigation activities with the CPM at any time" is reverting back to a similar statement put into CEC COCs written prior to 2000. It is Applicant's position that it is inappropriate for a consultant to be communicating directly with the regulatory agency rather than through the project owner.

Page 5.2-14, PAL-5, Item 3): The term "immediately" in item 3 and item 4 should be consistent with the requirements for Biological and Cultural Monitors. Both BIO-3 and CUL-6 allow 24-

hours for notification. Also, some provision should be made if construction is stopped over a weekend and the CPM is unavailable.

Page 5.2-14, PAL-5, Item 4: This item needs to be clarified. The sentence either means that the CPM shall be immediately notified of "any significant paleontological resources encountered [= discovered] . . . " or the sentence can be interpreted to mean that the CPM only needs to be notified ". . . of any halt of construction activities" resulting from the discovery of significant paleontological resources. The Applicant suggests that this sentence be clarified.

Page 5.2-14, PAL-5, last full paragraph prior to Verification: This paragraph requires the PRS to include in the monthly compliance reports "descriptions of training . . . activities . . . . " This is an unnecessary duplication of effort and should be removed since PAL-4 (Verification, item 4) requires the project owner to provide that same information. (The project owner is also required to provide that information for biology and cultural training as well, see BIO-4 and CUL-3).

Page 5.2-14, PAL-5, last full paragraph prior to Verification: This paragraph also requires that monthly reports include "descriptions of . . . construction activities and general locations of excavations, grading, etc." This requirement should be dropped. Keeping accurate records of construction activities, including locations would require PRMs to keep a detailed daily record of such activities and in a typical month describing these activities could require several paragraphs or even pages of information. This requirement would definitely add to the work load and responsibilities of both the PRS and the PRMs; would add to paperwork and record keeping required; would add to costs for management time; and would seem to be especially burdensome, unreasonable, and unnecessary if no paleontological resources were found during that month. Any information of value would be covered by the third sentence of that paragraph.

Page 5.2-15, PAL-6, para. 2: The following phrase should be added to the end of this COC: "that project impacts to paleontological resources have been mitigated *below the level of significance."*

Page 5.2-15 PAL-7, Verification, last sentence: Since some museums charge curation fees and others do not, this sentence should be rewritten as: "The project owner shall be responsible to pay *any* curation fees *charged by the museum repository* for fossils collected and curated as a result of paleontological monitoring and mitigation."

POWER PLANT EFFICIENCY

Page 5.3-4, : Applicant suggests deletion of 3rd & 4th paragraphs describing Metcalf and Delta.

POWER PLANT RELIABILITY

No Comment.

TRANSMISSION SYSTEM ENGINEERING

Page 5.5-6. Study Conclusions. Applicant continues to believe that reconductoring analysis proposed by Staff is not required for the Commission to review and certificaty the San Joaquin Valley Energy Center. The conclusion should indicate reconductoring is under the jurisdiction of the CPUC; however, in the interest of satisfying Staff's request for information and in the

interest of cooperating with Staff notwithstanding this basic disagreement, the Applicant has prepared the environmental assessment requested.

Page 5.5-5. 230 kv Overload conclusions. The last sentence of each of the bulleted items on page 5.5 are technically incorrect. The sentences currently state, "This line will likely require reconductoring as a result of the interconnection and operation of the SJVEC." To the extent any projected overload may be projected to exist, they are not a result of "interconnection" and they exist only under certain seasonal assumptions. While the applicant disagrees with the statements generally, at a minimum, the references to interconnection should be stricken: "This line will likely require reconductoring as a result of the ~~interconnection and~~ operation of the SJVEC, assuming certain seasonal operating scenarios."

ALTERNATIVES

General Comment. Applicant is in agreement with the conclusions of Staff that "no alternative site is recommended over the proposed project." (PAGE 6-17.)

Page 6-3. Project Objectives. Applicant agrees that the Staff's analysis identify four of the basic project objectives. Further, the Applicant believes that the Staff's analysis does not articulate all basic project objectives; however, the Staff's analysis and its conclusions are wholly consistent with Applicant's analysis of its basic objectives as set forth in the AFC and other subsequent filings, al of which support the Staff's overall conclusions.

GENERAL CONDITIONS

No comments.

ATTACHMENT CR-1

TECHNICAL MEMORANDUM CH2MHILL

Sites of Historical Importance for Central Valley Energy Center, California

PREPARED FOR: Kathryn Carrasco

PREPARED BY: Michael Wood

DATE: September 25, 2001

The following list of locations and persons is a summary of potential sources of historical information for the Central Valley Energy Center [now referred to as the San Joaquin Valley Energy Center], California

Fresno County Historical Society
7160 West Kearney Avenue
Fresno, CA 93706
(559) 441-8862
Contact: Sharon Hiigel
Phone conversation on September 25, 2001 with Sharon Hiigel. Sharon research the CVEC site and its linear facilities within a ¼ mile of the site as well as the linear facilities. She indicated that she could not identify any sites of historical importance.

Fresno County Library
Ray Silvia
(559) 488-3185
Contact: Ray Silvia – Historical Expert
Phone conversation with Ray on September 25, 2001 indicated that he research the site and could not find any sites of historic importance within a ¼ mile radius of the CVEC site.